AN

Ample Diſquiſition

Into the NATURE of

REGALITIES

AND OTHER

HERETABLE JURISDICTIONS,

In that PART of

GREAT BRITAIN call'd SCOTLAND,

AS NOW

Under the Conſideration of PARLIAMENT.

SHEWING,

I. Wherein the Evil of them Conſiſts.
II. The Reaſon why they ſhould be annihilated.
III. That ſuch Annihilation will be for the mutual Benefit of both Nations, but more particularly for *Scotland*, and in no Senſe a Breach of the Act of Union.

Addreſs'd to the Conſideration of his *Fellow* Subjects of *Scotland*,

By an ENGLISH Gentleman.

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THE

PREFACE.

BEFORE I enter upon the argument, it will be extremely neceſſary to premiſe, that the reader muſt not expect to be treated here with a florid declamation, form'd of ſtudied words, and fine-turn'd periods; it is a ſubject of the laſt importance, to the welfare and tranquility of the united kingdoms, and therefore rather to be reaſoned upon with calmneſs and impartiality, than flouriſhed over for the ſake of victory.

I confeſs myſelf an Engliſhman, yet have ſhewn in various inſtances, as I hope I ſhall do through the courſe of this work, that there is no part of the Britiſh dominions, where the inhabitants are not equally eſteemed by me, as much as in England; and from a principle of benevolence, which, I hope, will attend me

to the end of my days, have ever had, ſince I knew their ſtate and condition, a peculiar deſire to contribute all in my power towards delivering my poor brethren in the Highlands of North Britain, from worſe than Egyptian ſlavery, which I look upon as a ſhame and diſgrace to our conſtitution, the only free one I know or have heard of in the world, though I am very well acquainted with the conſtitutions of Sweden, *and of the reſpective common wealths around us. And why any ſet of ſubjects who make part of this happy conſtitution, ſhould be excluded from reaping all the benefits annext thereto, or reſulting therefrom, in common with the reſt, is beyond my comprehenſion.*

Their countrymen of the Lowlands who are equally free and happy with ourſelves, pretend, I know not how truly, that the poor Highlanders are bred up ſo much in ignorance, and ſo inur'd to ſlavery under their tyrannic lords, that they will not thank us for their redemption. I don't know what they will do, but am well aſſur'd that they will have reaſon, and their generations to come, reliſh with pleaſure the felicity of juſt liberty. It is ſaid again, that they are indolent, and careleſs about the bleſſings of this life, and that had they lands in propriety, they would not cultivate them to any effect. I can venture to ſay, that the wiſeſt, and thoſe who pretend to know them beſt, may be infinitely miſtaken in

that

that particular. Human nature is eternally the ſame, and either through the envying of the happineſs of others who grow rich by their labour and induſtry, or natural ambition to get above one another, will induce any ſet of men to endeavour to better their fortunes, when the means is evidently preſented before them, and they find it as little trouble to make themſelves eaſy in their private fortunes, as to labour upon a bad ſcheme merely for bread. I could produce many parallel inſtances, but it will be ſufficient, if I give a near, recent, and notorious one, which is this, The French *in Cardinal* Richlieu's *time, if that great man may be believed, were the moſt indolent vagabond kind of people in the world. He inſpired them by degrees with a taſte for commerce; and I wiſh it could be now ſhewn, that any nation had made a better uſe of their time. In a word, all nations and people will be idle, when their labour is found to turn to no account, but the contrary, when they find riches the natural reſult. This will moſt evidently appear, by the* Scots *in* London, *who labour as much, and thrive as well as the* Engliſh. *The parallel will hold eternally, and as there is no reaſoning againſt facts, ſo neither is it neceſſary to reaſon on any other principle. Let any man take a* Highland *boy and bring him up to buſineſs, as I have known done more than once, and then ſee whether he wants*

wants either wit or induſtry, more than other people. This will ſhew that their indolence is not in nature, but owing purely to their incapacity to thrive under the burthen of tyranny and oppreſſion. For theſe, and ſome other reaſons regarding the welfare of the ſtate, as well as the happineſs of the individuals, I have undertaken to act as the advocate of the miſerable, and in that light enter upon the argument, with a pleaſure, not to be excelled by any thing, but the happineſs of ſeeing them, by the aid of theſe my labours, Free as the conſtitution is capable of making them; by reaſon and intereſt, the enemies of France, *and ſhining in wealth and glory, to their lateſt poſterities.*

AN

AN ENQUIRY

Into the NATURE of HERETABLE JURISDICTIONS,

In that PART of *Great Britain* called *Scotland*, &c.

THE heretable juriſdiction as it now ſubſiſts in that part of *Great Britain* called *Scotland*, I conceive to be exactly on the ſame footing, and owes its origin to the ſame ſource as ours formerly did, before the death of *Richard* III. and *Henry* VII's. attaining the throne of *England*, when vaſſalage became ſo far annihilated, as that the baron or lord of the fee, loſt all power over his tenant, other than the obligation of attending his courts, and paying certain fines and rents agreed on; the fines on deaths or alienations, directed by ſtatute not to exceed

ceed two years rent of the improved value. This may more plainly appear, by inſpecting the *Scotch* inſtitutes now, and comparing them with the *Engliſh* law writers formerly on the ſame ſubject. In a word, they were both originally military tenures, and the grants of the ſovereign, who chartered his principal officers, in lands and power over his vaſſals, as to life and limb within each reſpective barony; the ſovereign nevertheleſs retaining the general juriſdiction, and acting by his Sheriffs, or Judges appointed by commiſſion ſuperior to the Baron's power, which according to the *Scotch* law now ſtands thus.

'Every heritor may hold courts for cauſ-
'ing his tenants to pay his rent, and if in-
'feoft *Cum Curiis & Blooduitis*, he may not
'only decide betwixt tenant and tenant in
'ſmall debts, but alſo judge of riots, and ſuch
'as are guilty of blood-ſhed or violence
'within his juriſdiction. Vid. *Craig de Feud.*
'Lib. ii. though his land be not erected
'into a Barony. But if his land be erected
'into a barony, which only the King can
'do, he may, like the Sheriff, *unlaw* for
'bloodwits in 50 *l.* and for abſence in 10 *l.*
'and if he has power by charters of *Pit*
'and *Gallows*, as is generally the caſe, he
'has as ample juriſdiction as the Sheriff;
'though with this difference, That the She-
'riff can judge a thief upon citation in

'any

'any part of his Shrievalty, including the 'ſaid Barony; whereas the ſaid Baron can 'only judge him, if he apprehend him in 'his Barony; and if the Sheriff has firſt 'cited, or attach'd the malefactor, he ex-'cludes the Baron's juriſdiction, by that pre-'vention.' Vid. *Mackenzies Inſtitutes, Book the* 1ſt. *p.* 32. *of inferior juriſdictions.*

Thus it appears that the heretable Lord within his juriſdiction, may judge of debts, riots, and thefts, and puniſh by a power abſolute his own tenants, which evidently impowers him higher, than even the Sovereign himſelf is impowered by the preſent happy conſtitution, and conſequently makes him very formidable to thoſe who are his ſlaves.

There are in *England* inferior juriſdictions ſtill remaining, who are impowered to act in the ſame manner, viz. the baronies or mannors, as to debts to a certain amount, and ſome juriſdictions as to life and limb, but theſe laſt are not veſted in any certain Lords, but in an inferior juſticiary, who are tranſitory, and at the will of the Sovereign, which is the caſe of the Soak of the City of *Peterborough*, where the cuſtos rotulorum for the time being, or his deputy, is judge; but even in this caſe the criminal is try'd by a jury, and has the ſame chance for juſtice as if try'd by the general commiſſions of oyer and terminer, for the reſpective diviſions in

England and *Wales*. In *Scotland*, the Sheriffs who have a juriſdiction ſuperior to the Barons, at leaſt more extenſive, are generally hereditary, and I think appeals, in moſt caſes, lye to the Lords of the ſeſſion. But the Barons I conceive, have power not only in life and limb, but likewiſe over infants, as guardians to their properties, and the deſtinations of their perſons in marriage, which is not only regal, but in an abſolute ſenſe too, and which the preſent ſtate of our conſtitution can in no ſenſe endure, ſince it makes a ſubſtitute juriſdiction ſuperior in power to the higheſt juriſdiction of all. This the *Scotch* laws call *caſualty* of *ward*, as may be ſeen, *Book* ii. *Tit.* v. This was the ſame in *England* before the vacating of vaſſalage as is aboveſaid, but the power then reverting to the crown, as the preſent conſtitution ſtands, even the ſovereign has no *caſualty* of *ward*, other than what is voluntary, as any thing of that nature is brought into Chancery, where the affairs of the minor is taken care of, if it is apply'd for; but, as I conceive, not otherwiſe the practice.

Theſe previous quotations and remarks, will I hope contribute ſufficiently, to baniſh from men all national prejudices; will ſhew them that our fellow-ſubjects in *Scotland*, are not on a fair footing with us; that the annihilating of theſe ſlaviſh tenures can only

only make them free, and convince them of a groſs miſtake generally imbib'd by *North Britons*, that we have in *England* ſtill remaining tenures of the ſame nature; when it is ſo far from being true, that even the higheſt juriſdiction in *England* can have no abſolute power over the lives and properties of the people. Every man here, in every part of *England*, and upon all occaſions, muſt be tried by his peers, who are abſolutely his judges, and may, if they pleaſe, determine both as to law and fact, in civil as well as in criminal cauſes. While it is evident in the caſe of the northern Barons and Heritors, that they have a power as incompatible with juſtice as with liberty, and directly oppos'd to the fundamentals of the happieſt conſtitution in the world; and conſequently to the happineſs and welfare of a part of the people who have as much right to partake of the general bleſſing, as the reſt of their fellow ſubjects.

This brings us to conſider, the error thoſe Lords are in, who hold theſe heretable juriſdictions, as if by the act of union, their inferiors had not a right to reap the benefits thereof as well as themſelves, and while they will not allow the ſovereign to be abſolute over them, will inſiſt upon being tyrants over their tenants. There is ſurely no doubt but this act intended, that every

ſubject without diſtinction, ſhould be equally benefited by the bleſſing of liberty; but they quote the act itſelf, and therefrom preſume it not to be ſo intended. What they meant at the firſt making of it, is readily enough conceived, perhaps, ſuppoſing that while they held their bad power, they could command regard in a particular manner from their ſovereign, which has in fact prov'd a miſtake, and on the contrary, has only been the cauſe of the ruin of many of them, and in the event may be the means of rooting out the major part of their nobility, who from time to time are weak enough to imagine, that they and their clans, with ſome ſlight aids from *France*, are a match not only for their own free and well affected countrymen, but alſo for *England* too, whoſe power is a balance to *France* alone. As this error has produced a variety of miſchiefs needleſs to be repeated here, I ſhall conſider the articles of the union themſelves, and attempt to ſhew that theſe heretable tyrants are no longer entituled to hold their power, than while the legiſlature thinks it convenient to diveſt them of it.

I hope they will not diſpute this juſt maxim with me, that the general good is to be prefer'd to individual intereſts, and that they think ſo, by almoſt every act they joyn in the making of. My houſe is my freehold, which, ſtrictly ſpeaking, none

can take from me; yet if a bridge is to be built, or a road made, my houſe may, by the power of the legiſlature, be pulled down: They will make me an equitable ſatisfaction, which, though perhaps not adequate to my pleaſure in retaining that houſe, yet I can't be in my ſenſes, and think I am unjuſtly dealt by; nor do my repreſentatives in parliament think ſo, or they would not make ſuch an act. This principle holds eternally true in all the King's dominions, and then why not in *Scotland*?

In the next place I apprehend, that although our laws are made by general conſent, they are not like the laws of the *Medes* and *Perſians* unalterable; every day's experience evinces the contrary, and indeed it would be nonſenſe to ſuppoſe it, unleſs our law-makers were infallible. *North* and *South Britain* were before the *Union*, the ſubjects of the ſame ſovereign, and the *Northern* only by the coalition made more free and rich; but their laws and cuſtoms being ſomething different, were by the Union, rendered as nearly the ſame as was practicable; and certainly the nearer we yet unite in the ſame intereſt, the better for the whole. If we propos'd to enſlave them, it would be another matter; but ſurely it is our mutual intereſts, that they be rendered equally free with the *Engliſh*, which ſeems to be the only point aim'd at, and only oppos'd by individual

individual intereſts, which are not to be ſet in competition with the publick good. This brings us to the very point, and the only queſtion ſeems to be, whether every article of the Union ought to be, ſtrictly adher'd to? Or if varied by general conſent, the ſaid Union can in any ſenſe be preſum'd broke? The material articles are

XVIII. The laws of civil government to be the ſame, but no alteration to be made in the laws which concern private right in *Scotland*.

XX. All heretable offices and juriſdictions, and ſuch as are for life, to continue as they are in *Scotland*.

I believe no body will diſpute with me, who have ever conſidered the nature and reaſon of government, but that before the *Union*, the *Scots* parliament, with the conſent of the ſovereign, could have alter'd, leſſen'd, or even annihilated, theſe heretable juriſdictions or offices, or have taken away any private right on making equitable ſatisfaction; if ſo, why not the ſame power now? The form of the power being ſomewhat altered will make no difference in the effect, and if the *Scots* pretend they have not a power equivalent to what they had before the *Union*, by not having all their

Nobles,

Nobles, Barons, &c. ſit in parliament; I will beg leave firſt to ſhew, that bringing their now general intereſt on a balance with their particular intereſt in *Scotland* before, that they are not only highly advantaged by the act of Union, but have many more members ſit both in the houſe of Lords and Commons, than equitably they ought, as legiſlators over all the King's dominions.

The annotator on the *Scotch* inſtitutes, ſays, 'that their nobility conſiſts of ten 'Dukes, three Marqueſſes, ſeventy-four 'Earls, eighteen Viſcounts, forty-five Lords, 'in all one hundred and fifty, now repre-'ſented by ſixteen. The ninety Barons be-'fore the Union, now repreſented by thirty. 'And the Burgeſſes which were ſixty-ſeven, 'now repreſented by fifteen. By which 'ſettlement *North Britain* or *Scotland*, 'whoſe parliament conſiſted of three hun-'dred and ſeven members, beſides the offi-'cers of ſtate and fourteen biſhops, is now 'repreſented by ſixty-one --- and then con-'cludes, *Hinc illæ Lachrymæ.* Vid. Book I. 'Tit. iii. P. 19.'

Now would not one naturally conclude from hence, that the people of *North Britain* had great injuſtice done them by the act of Union; and I doubt not in the leaſt, but thouſands who will not give themſelves the trouble to reaſon and reflect, take ſuch

ſtuff

ſtuff as this for granted, conſequently quarrel with the Union, as if it was ſome great unhappineſs befallen them. It is now my buſineſs to ſhew the direct contrary to be true.

By the XXth article of Union, the ſum of 398085 *l.* 10 *s.* is given as an equivalent for the exciſe, and for all that ſhall ariſe above 335000 *l.* The 398085 *l.* to pay the publick debts of *Scotland*, and the capital of the *African* and *India* company, with intereſt at 5 *per cent.* and then to be diſſolved.

Thus all their debts were diſcharged, and their companies diſſolved, and then inſtead of being particularly bound to their own ſtock and capital, they became, if they pleaſed, ſharers upon a much better bottom in all the capitals of *Great Britain*, and had an equivalent in lieu of future exciſes. Let us ſee next on what footing or proportion they were put in relation to the land tax.

Article IX. When the land tax in *England* amounts to 1,997,763 *l.* the quota for *Scotland* ſhall be 48,000 *l.* free of all charges; and proportionably all other taxes.

This is little more than the forty-firſt part of the whole, but if forty-five Members ſit in the Houſe of Commons, and ſixteen in the houſe of Peers, they amount to little leſs than a tenth part of the whole legiſlature. And yet a juſter way of proportioning

tioning the government cannot be better imagined than by the taxes paid; though I am ſenſible, that by the variation of the courſe of trade and other incidents, this kind of calculation does not hold true even in *England*; but is of ſingular advantage to *North Britain*, for let them thrive never ſo much, and any part of *England* decay in trade, as is evidently the caſe, the *Scots* will not pay more, nor any part of *England* leſs; and I think that nothing is more clear, than that *North Britain* is in a much better courſe of commerce, than before the Union.

The next point to conſider on the ſame ſubject is, whether even the Nobility, Barons, *&c.* are in any ſenſe injur'd, by fewer repreſenting the whole body of the *Britiſh* dominions, than in the groſs number repreſenting *Scotland* only. They were before the Union, at moſt, but a kind of council to the ſovereign, of a fortieth part of his dominions, as to value, excluding *Ireland*, &c. They have now a tenth ſhare in the whole legiſlature, with all the profits and perquiſites of places, penſions, *&c.* They have at leaſt one officer in ten, in both the army and navy; they have generally ſpeaking, the civil offices in *North Britain* filled by their countrymen beſides, and not a few in *England*. I have known two at a time out of ſeven at the admiralty board, and

I believe may venture ſafely to ſay, that their perquiſites out of the government ariſe to much more than the revenues of *Scotland* pay. If ſome ſpend their money here, it is not uſually from their own eſtates; or if they did, it would be no more than is commonly done in *London* by the *Engliſh* gentlemen in general. I believe the face of *Scotland* ſince the Union, is much chang'd for the better, that ſome families have great additions to their eſtates, and more are doing ſo every day; the *Iriſh* have ſhewn their good ſenſe in this particular, and would be glad of an Union on the ſame terms; and the reaſon of the thing ſeems to ſpeak itſelf, for who would not in private life, be at the fortieth part of the expence, to reap a tenth part of the profits of an eſtate; and yet this ſeems to me to be exactly the caſe in relation to the Union; and as the Union is calculated for the benefit of *North Britain*, without any injury to *England*, I ſee not but that it is a mutual benefit to both, either directly or politically, and the more it is ſtill made ſo, the better it muſt be for the whole united kingdoms.

I know not, ſtrictly ſpeaking, whether to call the Union, an act or a treaty; it is a treaty as it relates to the two eſtates, but an act only, as it relates to the ſovereign, who cannot treat with his ſubjects regularly by the laws or cuſtoms of either country; the

he *Scotch* lawyers before the Union, ſay, That the king was abſolute in *Scotland*; he is ſo in *England* to all worthy ends. But whether it be an act or a treaty, or both, or whatever other name may be given it, there is nothing more true, than that the ſame power that made, can alter it; conſequently, is not in part, or in the whole invariable. The ſovereign did not make it by a ſimple power, it was the legiſlature of both kingdoms united with her, and by that ſame power only capable of being varied.

I have intimated previouſly, that the general good is allowed on all hands, to take place of private intereſt, otherwiſe their would be no government, at leaſt, what is the ſame thing, it could not operate to the great end, which is the mutual benefit of the community. There is no diſpute now, that the late rebellion, and all the bad conſequences flowing therefrom, had their ſource in the tyrannic and unlimited power of the heretable Lords; and if all of them did not concur therein, it matters little; there were enough concerned to execute ſo much miſchief, as naturally calls for prevention in the future, which is either to be taken care of in time, or we are liable to ſimilar inconveniences eternally; and while no injury is propos'd thereby to any body, but an adequate ſatisfaction to thoſe who have a right to it, and to others, the

ſweets of liberty by public conſent, it is in vain for this or that heretable Lord to pretend he is injur'd, becauſe he is in this reſpect levelled with rebels. It is the power that made the rebel, and the ſame power that made one ſo to day, may make another ſo to morrow, ſince it is not papiſts, but proteſtants too, that have been weak enough to act the part of rebels; and from aught that we can ſee, a very little affront is ſufficient to forfeit a man's allegiance in that country, elſe had not Lord *Lovat* of all men living, engaged in ſo pernicious an affair. I will not preſume againſt any perſon on this occaſion, but I am clear in this, that if a band of robbers infeſted the country about my eſtate, and the legiſlature found it neceſſary to cut down my woods in order to prevent it, making me ſatisfaction; if I oppoſed this, though I loved my woods never ſo well, I could not take it ill, if I was eſteem'd a partner with them in their crimes; on the other ſide, could not in any ſenſe look upon myſelf as deemed a party, becauſe other people committed crimes, for which it was neceſſary that my eſtate ſhould be laid open to prevent them.

The reaſon why every heretable Lord in *Scotland* deſires to preſerve his power, when full ſatisfaction is made him for the reſulting profits and perquiſites, muſt either be from a deſign to co-operate with others

to

to the prejudice of the ſtate, when he finds it convenient; or merely that he may continue to be rever'd by a number of poor unhappy ſlaves. If the firſt, then will no body diſpute the neceſſity of his being unbaron'd: If the laſt, as the remaining power is but nominal, the annihilating, or perhaps only reducing it to the ſame level, with other mannors in the King's dominions, which I confeſs have yet a power in them quite incompatible with the dignity of the crown, and rights and privileges of the ſubject, as the Lords do not only hold courts for the ſpecial buſineſs of their mannors, which are called courts Baron, or others for enquiring into nuſances, *&c.* called courts leet, but alſo holds courts of juriſdiction independant of thoſe, wherein debts are litigated; and I know one mannor, where the Lord Paramount holds one court, and the Lord of the Mannor another, to the ſame bad purpoſe. Theſe are a kind of juriſdictions within juriſdictions, in fact to the fourth degree, *viz.* The King's immediate Courts of aſſize, the ſheriff's juriſdiction, the Lord Paramount and the Lord of the Mannor. From whence flows infinite evils. I take theſe Lords Paramount, to have had originally the ſame power as the Lords of Regality in *Scotland* have now. Which by ſome grants, if the *Scotch* lawyers ſay true, are independant of the King's courts, and the Lord of Regality is defin'd

to be, ‘ One who has the land whereof he ‘ is proprietor or ſuperior, erected with a ‘ juriſdiction equal to the King's juſtices in ‘ criminal caſes, and to the ſheriff in civil ‘ cauſes. He has alſo right to all the ‘ moveables of delinquents and rebels with- ‘ in his own juriſdiction, whether theſe ‘ moveables be within his own regality or ‘ not.’ *Which laſt article I think is the ſame in many parts of* England, *and if I miſtake not, claim'd by the High Bailiff of* Weſtminſter, *in particular.*

‘ The Lord of Regality, has beſides, by ‘ his erection, power to repledge from the ‘ ſheriff, and even from the King's juſtices, ‘ except in treaſon, and pleas of the crown. ‘ That is to ſay, to appear and crave, that ‘ any dwelling within his juriſdiction, may ‘ be ſent back to be judged by him. He is ‘ indeed in ſuch caſe oblig'd to find cau- ‘ tion, that he ſhall do juſtice upon the ‘ malefactor within a year and a day, whom ‘ he repledges, which is called *culreach.* ‘ There is a great variety in theſe regali- ‘ ties, as they happen to be conſtituted, and ‘ as they are laic and eccleſiaſtic.’ Vid. *Inſtitutes*, Book I. p. 29, 30. and *Mackenzies Treatiſe on Criminals*, Part ii. Tit. 11. ſſ. 6. 7.

Theſe Powers, rights, regalities and juriſdictions owe their origin to the Kings of *Scotlana* when abſolute, but the regality cannot

cannot be granted now, without conſent of parliament. And what is very ſtrange, that while the *Scotch* lawyers ſay, *That the King is ſupreme over all perſons, and in all cauſes, as well eccleſiaſtic as civil,* as appears by the ſame *Inſtitutes,* Book I. Tit. iii. That cauſes cannot be advocated from the inferior juriſdictions, even upon reaſons of manifeſt iniquity by act ix. parl. 1663, but is ſomewhat varied from by Ss. 16. and 17. of the act xvi. parl. 1672. concerning the regulation of the ſeſſions.

From hence it appears that the *Scotch* parliament, when they pleaſed, could vary the power of theſe inferior juriſdictions, if in this light they may be ſo called; yet would diſpute whether they can do it now they are united with the *Engliſh* parliament, which is a ſoleciſm in common ſenſe, and carries with it a notion of perpetuating power in oppoſition to the legiſlature, and by ſuch notion, if it will hold, theſe granted juriſdictions are equal to the King and parliament in one light, and ſuperior and diſtinct in another, as being abſolute, which the King is not; ſo that in fact theſe Lords of regality, are Sovereigns, not ſubjects; a thought our conſtitution abhors; and this power is evidently not imaginary, becauſe it has appear'd to be as the lawyers ſay, as is witneſs'd by recent facts; ſiince he who can command his clans, on pain of death to take up arms againſt

againſt the ſovereign and legiſlature, is ſurely himſelf a ſovereign to all intents and purpoſes, independant of that ſovereignty under which he is ſpecially protected. Which is a power, that no ſubject ought to be maſter of; it was that, which while it continued occaſioned ſo many civil wars and bloodſhed in *England*, and has ſince, even within theſe forty years, been the cauſe of ſeveral rebellions; and therefore though divers Lords in the ſame ſituation may not have rebelled, it matters not, they have the ſeeds of rebellion hid in their power, and as they may ſpring up on ſome occaſion or other hereafter, experience has taught us to know the neceſſity of annihilating them without exception.

For my part, I muſt beg pardon for my preſumption, but can't help ſaying, that the legiſlature muſt forget themſelves dreadfully, if they let this ſeſſion paſs, without ſtriking at the root of this evil, as well for the ſafety of the ſtate in general, as of the poor unhappy people of *Scotland* in particular; and let the expence occaſioned by giving the heretable Lords ſatisfaction, be what it may, it will hardly pay the intereſt of the damage ſuſtained both public and private, by only the late rebellion, excluſive of all others.

A people united together in the ſame intereſt and under the ſame ſovereign, will find

find it extreamly difficult to make it appear, that what is the fountain of ſo much miſchief, can in any ſenſe be beneficial to *Scotland* more than to *England*; and if it is found to be contradiſtinct to the intereſt of both, ſurely both ought to concur, in fully putting an end to it for the future. In caſes of this nature, the *Scots* muſt firſt feel the evil, but the *Engliſh* eventually; they that feel it firſt, ought not to be the laſt in providing againſt it, nor ſuffer themſelves to be impoſed upon or cheated by any ſilly national diſtinctions, which none but deſigning knaves propagate, nor any but the weakeſt men are deceived by. I have obſerved ſome villainous attempts of this kind lately, but as men are returned to their ſenſes again, the aiming to enfeeble the bands of government, by introducing national diſtinctions, have met with their merited contempt, and the author, though writing on both ſides of the queſtion, mark'd out and diſtinguiſh'd, as a worthleſs wicked fellow.

One of the principal views in making the act or treaty of Union, was to aſſimilate our affections, as well as to unite our intereſts, and conſequently to diſtinguiſh *Scotland* from *England* only as we now do *Wales*, meerly for diſtinction ſake. It would have aided us both in point of unity and affection, if our laws could have been the ſame too. Not that I recommend our own in practice,

what ever they merit in principle; but it would be of ſingular uſe if they were new-modell'd and ſerv'd both nations indifferently. But I conceive it extremely hard upon our *Scotch* fellow ſubjects, if theſe regalia's and heretable rights veſted in a few perſons ſhould ſo far diſtinguiſh us from one another, that multitudes of them ſhould be abſolute ſlaves while we are the freeſt people in the world. This can't be the baſis of affection and unity, but rather of enmity and diſſention, ſince men condemn'd to ſo terrible a ſtate as perpetual ſlavery, muſt look with a very evil eye on their fellow ſubjects who are not only free, but by means of that freedom rich and happy. But it is very hard upon the *Engliſh*, who particularly deſire the *Scotch* ſhould be as free as themſelves, and yet remain the objects of their envy and ill will, while their own Lords, whoſe only purpoſe it is to continue them their ſlaves and vaſſals, poor, helpleſs and miſerable, are by them reſpected and honour'd, not to ſay ador'd. If this ariſes from fear of their power, ſurely the legiſlature who has more power, tho' not ſo abus'd ought to be ſought after as their ſanctuary. The *Scotch*, who are generally eſteem'd a prudent and ſenſible people, can't help diſcerning the difference between freedom and ſlavery, between the honeſt diſintereſted views of the legiſlature, and the intereſted diſhoneſt views of their Lords; the legiſlature

giſlature only ſeeks to put them in the ſame condition with themſelves, to make them free and happy, their Lords only aim at keeping them in ſubjection, making them the ſlaves of their abſolute will, dragging them out into rebellious, and ſacrificing them to their luſts and fancies, forcing them upon having their throats cut, or on being hang'd or tranſported abroad, while even their ſucceſs could not in any ſenſe have better'd their fate; their lords would only have been greater tyrants, but they ſlaves ſtill; they are at beſt only made uſe of as a kind of footſtools for their Lords to mount to dignity and grandeur upon, or as aſſes to bear their burthens, oblig'd to live on worſe food than they would give their horſes if they were free, and dragging on through a life of indolence and inattention to the great end of nature, perpetuating ſlavery and miſery to their poſterity.

They have ſpirits made for better things, and activity ſuited to any purpoſe of the creation, yet is it ſeen that where freedom reigns triumphant and induſtry is propagated and encourag'd, the dulleſt and moſt ſtupid creatures live better than they; a man who only goes to *Billingſgate* in a morning, gets more money in a day, than their tyrannic Lords will ſuffer them to earn in a month, when there is evidently before them a finer market than *Billingſgate* to thrive in; a fiſhery that carries millions annually into *Holland*, and

would by a due courſe of induſtry bring equal profits to them; their lands would by this means become finely manur'd, houſes would be built, gardens planted, their families would be well fed and cloath'd, and affluence flouriſh in every corner of their now waſte and neglected countrey, the natural reſult of happy freedom, under the protection and encouragement of a conſtitution, that glories in nouriſhing all its conſtituents without diſtinction.

Thoſe who have examin'd into the nature and genius of commerce, can behold all the advantages at one view, and every generous mind takes a pleaſure in procuring them for others as well as for themſelves; and if generoſity was quite out of the queſtion, ſenſible men ſee plainly an intereſt ariſing from a circulation of trade, that while it ſtimulates the lower rank of people to induſtrious purſuits, it improves as it riſes gradually from hand to hand, and every man is proportionably better'd by it in his fortunes; and, as it enriches the community, ſo it ſtrengthens and fortifies the ſtate, and diſtinguiſhes the crown with ſingular dignity and luſtre.

The increaſe of commerce in the *North*, every judicious man knows, will rather add to, than diminiſh from that in the *South*. The metropolis always will be the great center of buſineſs, whereto a large proportion of the common wealth muſt flow, but then it

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emits it again around, and by the foreign and domeſtic credit of its merchants, is the common ſupport of all other trading places, which upon the credit of the metropolis, improve their own wealth. The country about each trading places evidently feels the benefit of this general circulation, by the improv'd value and ready ſale of their products; this encourages manufactures, cultivation, and other kind of induſtrious purſuits, which brings wealth to the purſe, and conſequently a happy proviſion for a riſing poſterity.

Notwithſtanding all this is evident as light, what a different ſcene do we behold, when viewing the *Highlands* of *Scotland*, where nothing appears about us but deſolation and miſery, and a numerous body of people, though ſubjects of the moſt flouriſhing kingdom in Europe, living ſo mean and pitifully as is hardly to be credited; and purpoſely kept ſo much in ignorance of the road to wealth, as that they have not any other idea of acquiring it, than by rapine and plunder, which looks as if part of the united kingdom was purpoſely allotted for the harbouring of thieves and vagabonds, who like wild beaſts from a foreſt, iſſue out occaſionally to ſeek their prey, which they effect without that conſciouſneſs of evil which cuſtomarily attends the human mind, and guards it againſt the pernicious and

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fatal conſequences. The *Lowlanders* are hereby not only render'd unſafe in their properties, as of their tranſient goods, which they might ſometimes afford to loſe; but are by the bad turn'd minds of thoſe who are at the head of theſe unhappy people, oblig'd doubly to guard themſelves, not only againſt the clans as public thieves, but their ſuperiors likewiſe, as profeſs'd enemies to our happy conſtitution, as leaguers with the common enemy, and whoſe views are to raiſe themſelves on the ruins of liberty. That carry chains in one hand, and piſtols in the other, and can with a kind of ſupreme authority, command the aid of their ſlaves in the purſuit of every wicked and villainous ſcheme.

If theſe men had a prince born among them, and educated in the precepts of liberty and the art of governing men by the rules of law and juſtice, though his claim was as diſtant and idle, as the perſon they would fain raiſe to the crown, it would be no great wonder at their engaging in his intereſt; but in attempting to introduce one here, an *Italian* born, with all the nonſenſe and abſurdity of prieſt-craft in his head, a bigotted ſuperſtitious papiſt, train'd up in the principles of arbitrary power, deſtruction and blood, we have only to conclude, that the intention of the adherents directly coincided with the principal, whom they

they aided meerly to enlarge their own power and plunder the South, by a kind of pretended authority, as they had previouſly done the North, under the cover of their heretable regalities; which makes the neceſſity of diſſipating that power, to prevent the like inconveniences for the future. And I think if, reaſon be of any force among us, it could never be better employ'd than in ſo juſt and neceſſary a procedure.

All agreements amongſt men that are to ſtand the teſt of time, muſt ſhew in the event, that they are mutually beneficial. Acts of ſtate muſt not be made on the principles of trick and chicane; if any of the articles of Union bear hard upon the *Scotch* nation they ought to be alter'd, and I conceive there can be no doubt, but the reaſon is ſtronger for the altering them, when mutually detrimental to both nations. Nobody ſuppoſes the perſons infallible that firſt made them; every law, act or treaty, muſt be proved by the teſt of experience; when that evinces its defects, who in their ſenſes will doubt the neceſſity of its amendment, otherwiſe every miſtake would be permitted to improve into a downright evil, which has really been the caſe in the articles relative to the heretable juriſdictions, and therefore neceſſary to be amended, leaſt it grow beyond redreſs.

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The fautors of heretable juriſdiction ſay, that unleſs this article had been admitted, the Union had never been made; I believe ſo too. I hope they will not infer either, that it would have been admitted, if the conſequences that has ſince reſulted from it, had been foreſeen: For if they who made it on the *Scotch* ſide intended any ſuch event, they could not mean to eſtabliſh a Union between the two kingdoms; 'tis idle to ſuppoſe it. They did not foreſee the ill uſe liable to be made of heretable juriſdictions, or that regalities would be the conſtant ſource of rebellion, much leſs could the *Engliſh* foreſee it, who were not ſo well acquainted with their natureas the *Scotch* nobility. The true reaſon of making the Union, on the part of *England* at leaſt, was merely to avoid being diſturb'd by inteſtine enemies. That they had no other view is evident as light; they could not gain any thing by it but the bleſſing of tranquility; and if that end is not anſwered, what matters the making of the Union to *England*. So that thoſe miſtaken *North Britons*, who cry out, *Hinc illæ Lachrimæ*, with the annotator above quoted, either complain of the Union as an impediment to their pernicious views of creating confuſion amongſt us, or they are talking to the winds, and in either light, I ſhould think truely merit our diſregard.

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I am ſenſible that the main body of the people of *Scotland* think with me, becauſe not biaſs'd by ſuch prejudices. They are ſenſibly enough acquainted with the difference between their ſituation now, and what it was when the duke of *York* preſided over them, when tyrannic power ruled them with a rod of iron; and however pitifully minded they may be in the *Highlands*, by being inur'd to ſlavery, the inhabitants of the *Low Countries* have as juſt notions of liberty as any of their neighbours.

I ſhall now give the argument quite another turn, by conſidering whether theſe ſame heretable Lords are not directly oppoſing their own intereſt, by aiming to impede an alteration in the act of Union. Experience has always evinc'd, and common ſenſe will always ſhew, that it is not in the nature of men to labourpurely for others: It is a puniſhment like that feign'd by the ancients of *Syſiphus* rolling a ſtone up a precipice, which before it reached the top, its own force tumbled it down again; in a word, it is an emblem of men buſied to no end or purpoſe, which muſt ever be the caſe, when no adequate fruit is to ariſe from labour. I ſhall ſuppoſe then, that an heretable Lord enjoys an eſtate with regality worth to him 3000 *l.* ſterling a year, which ſome circumſtances peculiar to that eſtate, as woods, mines, &c. produce to him without any

great aid of his tennants, and has beſides large quantities of vacant land which produces nothing, but what nature abſolutely ſupplies, and may juſt contribute to rear a few cattle. This ſame land, duly cultivated, would moſt probably in a few years double the rent, which the Lord, purely for the ſake of power, impedes. It has been ſeen that of late years, many large tracts of land, formerly uncultivated, now turn to very good account; the reaſon whereof is notorious and evident, that they have become ſo by the induſtry of the huſbandman, and that induſtry had its foundation in the view of profit. But before a man will attempt this, he muſt be in ſome degree maſter of the land he cultivates, either as his freehold, or by copy or leaſe, for a proper term of years, at an eaſy rent; in which caſe, when his time expires, the ſame with its improvements reverts to the landlord, whoſe fortune is thereby proportionably augmented. But this can never be the caſe in ſlaviſh tenures, nor is their perhaps a ſingle inſtance in all *Scotland*, where any eſtate has been ſignificantly improv'd, but where free lettings have been practiſed, nor can it be reaſonably expected. Nor is the culture of the ground for corn or paſturage alone to be conſidered in this caſe; manufactures, which ſtill improve more highly the Lord's eſtates, are the natural conſequence of free-

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dom and property, either temporary or perpetual; here induſtry begins its courſe, and if the tenants reap great profits therefrom, the Lords upon the whole reap greater, beſides that moſt ſenſible pleaſure of a benevolent mind, which ariſes from the ſeeing of every body thrive about him, at the ſame time that he perceives the whole flouriſh principally and eventually for his emolument: ſurely this muſt excell any narrow ſordid taſte a man can have, for ſeeing numbers of ſlaves and beggars awaiting his arbitrary nod, and the country round him a ſcene of wild waſte and ſterility.

There are ſome few articles independant of cultivation, though that would naturally follow the others which might, if begun upon a right principle, make *Scotland* a rich and flouriſhing country. As firſt, the fiſhery beforemention'd, which would not only employ a great number of hands as mariners, but as ſhipwrights, ropemakers, and various other handicrafts immediately dependant thereon, both in the iron and wooden way; it would likewiſe make a number of merchantable dealers neceſſary, and conſequently fill the ſea-ports in the *North* with trading people; this would likewiſe encourage inland cultivation to provide for thoſe people, and produce a good market for the vent of what ſhould be rais'd.

Next an iron manufacture, where wood, coal, and labour, would be all cheaper than in any other part of the *Britiſh* dominions, and conſequently the manufacturers enabled to underſell any other market.

The linnen manufactures are already got to ſome head, and would flouriſh exceedingly, were the ſame propagated in the *North*, which they can never be, but by an ability to underſell the *German* and *Dutch* markets, which ſurely would be the caſe, if experimented with judgment.

The *Scotch* object their want of money, but ſuch objection was never yet of any force, where it appeared that people were honeſt and in earneſt. *London* always did, and ever will ſupply money freely, when it is made clearly appear, that the advancing of caſh will turn to any account. The merchants are all ready enough to ſeize any opportunity of advancing their fortunes, let the object appear in any part of the *Britiſh* dominions. But they will never attempt it while the regalities ſubſiſt, and theſe petty Lords are judges in their own juriſdictions. Such power is an abſolute bar to all kind of commerce, nor will any body under ſuch power be ſignificantly truſted, though of themſelves never ſo honeſt or induſtrious; nor on the ſame principle of reaſoning can the Lords eſtates be improv'd. And as every improvement tends to the public emolument, thoſe improvements can't be made

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in the preſent ſituation of things, were rebellions quite out of the queſtion; the good of the community ſeems to require that theſe juriſdictions be laid open. And then whether the *London* merchants found it their intereſt to engage themſelves with them or not, means might be very readily found for eſtabliſhing a bank, capable of carrying ſuch views into execution. At worſt, it would be only like an induſtrious man juſt out of his apprentice-ſhip without ample means to ſet up with, he muſt trade on a ſmall ſtock, which diligence and application would gradually raiſe; and ſuch has been the baſis of more oppulent fortunes in *England*, than a flow of wealth at the beginning, which is but too apt to make young people forget themſelves, and by minding their pleaſures more than buſineſs, is the common cauſe of their ruin. There are few people acquainted with the buſy world, but what know theſe remarks to be true, and that the beſt families, at leaſt the richeſt, and many of the nobleſt too, have roſe from very mean beginnings, of which I could name numbers.

Conſidering the *North* of *Scotland*, then, in the light of a poor man, at liberty to begin the world without an adequate bottom, ſtimulated by induſtry, dilligence and ſparing, I ſee not why the body of the people there, with ſuch good materials to work upon at home, and ſuch good markets

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as they have to go to, both in *Britain* and abroad, can poſſibly fail of ſucceſs. The *Scotch* muſt be allowed prudence, diligence and frugality; they ſhew it wherever they go, and in every thing they do. A proſpect of wealth and plenty would naturally create induſtry, which having once taken root, would flouriſh in that climate, as well as in any I know. Wealth creates neceſſities, or at leaſt a deſire of ſuperfluities; this is the true ſpur to induſtry, whether by a natural tendency to ambition, an envy of others ſhining ſuperior, or the meer deſire of being eaſy and out of the reach of want; and I believe no-body will be ſo idle as to ſuppoſe, that the *Highland Scotch* are leſs ſuſceptible of ſuch ſtimulations than other people. Every reaſoning man knows, that our deſires ariſe from viſible objects, and conſequently that we can have but few deſires, where the objects that create them are but few; this is what is meant, if any thing, when people idly ſay, that the *Scotch* are enemies to labour and induſtry, when they only want thoſe objects preſented before them, which are the ſprings of induſtry; and ſo long as that is the caſe, they ever will be idle, but the difference would ſoon appear on a change of circumſtances. I would aſk any man in his ſenſes if they can believe, that ſuppoſe a ſet of manufacturers or huſbandmen from *England*, were to take

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up their reſidence in the *North* of *Scotland*, and flouriſhed there, the *Scotch* would not be ſtimulated thereby, to endeavour to throw themſelves into the ſame ſituation. Could they bear to ſee thoſe thrive, without aiming at it themſelves? but if they neither ſee, nor have any idea of the good reſulting from ſuch induſtrious purſuits, they may very well remain idle, but can't juſtly be reflected on as enemies to induſtry. They are in this light like men with their hands tied behind them, and what between the tyranny of their Lords, and their ignorance of the good effects of induſtry, it is no wonder that people who rather talk than reaſon, judge ſo wrongly about them.

If we but reflect a little on the eſtabliſhment of our foreign plantations, we ſhall ſee cauſe enough to mourn at the folly of men, who run all over the world to ſearch after the means of employing their buſy heads and hands, while they neglect the ſame thing at home, and are cultivating vaſt tracts of land abroad, while half their own country lies waſte, which would better anſwer the end of their purſuits, if theſe wicked juriſdictions did not interfere and frighten them from attempting it.

It is hardly to be believ'd, that men would go abroad in ſearch after new habitations, if they could find their account in ſtaying at home; in particular, thoſe

who are oblig'd to leave the kingdom through unhappy circumſtances. The little they preſerve with their natural induſtry, might be the means of making *Scotland* a rich country in due courſe of time, and I conceive is a hint not to be neglected; if the laying the juriſdictions open be previouſly effected, as there are many beſides who retire to *France* and ſpend their fortunes there. The *North* of *Scotland* would certainly be a more beneficial aſylum, both regarding the parties and the good of ones country, which ſuffers much by the wrong turn of our laws, and the number of fugitives who daily leave it. It is fairly computed, that at leaſt 5000 *l.* a year is ſpent at *Bulloigne ſur Mer*, the moneyall drawn from hence, and this done by men who would have ſtaid at home if the nature of our laws could have permitted them. Every perſon that goes to the plantations carries off ſomething, when that returns again is very uncertain; I ſhall make no calculation of our loſs this way, perhaps it may not be any, but am pretty ſure, that what is carried over to *Holland*, 20000 *l.* a year will not compenſate. The *Scotch* gentry of the younger branches, go into foreign ſervice for want of ſuitable employment at home, which a currency of trade would ſupply; this gives them a military turn, in no ſenſe beneficial to a commercial ſtate. Now was all theſe things conſidered

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and apply'd, any apt genius who has power and good will for his country, might turn them all to a fine account. If only two principles were rightly purſued, the one to eſtabliſh property on fair terms, the other a local law to prevent within certain limits, any man being arreſted for debt; men whom neceſſity drives to an aſylum, would naturally prefer the *North* of *Scotland* with a proſpect of new beginning on a clear bottom, to either *France*, the plantations, or *Holland*. To *France*, becauſe of their civil and religious rights, being liable to be every day invaded; to the plantations, becauſe many have a terrible notion of going ſo far from home; and others, for the convenience of a more known and intimate correſpondence. To *Holland*, becauſe not only trade is too much beaten in that country, but alſo that the *Dutch* are generally ſpeaking too frugal for *Engliſhmen* to trade among to any purpoſe, and the lands too dear to be meddled with. Hence obviouſly ariſes a proſpect of wealth to *Scotland*, from the failings and miſtakes of their neighbours, and which every legiſlator, who had any genius or extent of imagination, would apply to the public emolument. The benefit to the *North* of *Scotland* would be double, as their youth would by this means be trained up in the rudiments of trade and induſtry, and wealth brought to them to en-

courage and ſupport it. Nor would I have my fellow ſubjects miſtake this view, by imagining that the *Engliſh* fugitives on account of debts, are the idle part of the *Engliſh* people; they are uſually men of genius and induſtry, whoſe ſpirits for ſcheming have been too quick for their judgments; bold adventurers form'd for the eſtabliſhing of infant colonies, and making men of more prudence rich and happy; ſuch as are much wanted in *Scotland*, to give life and ſpirit to commerce, where the natural diſpoſition of the people require ſome of thoſe warmer ſtimulations, wherewith the ſcheming heads of *South Britons*, are capable of inſpiring them. Climate is no obſtruction to trade, as has been in former times ſufficiently evidenc'd, in the caſe of the *Hans* towns, and particularly of the town of *Wisbuy*, in the Gulph of *Finland*, that traded upon a footing equal, if not ſuperior to all *Europe* beſides, yet ſeated in a climate much colder than any part of *Scotland*, and having no ſuch bank as *London* to begin upon, nor the advantages of a fiſhery at home, or of ſo general a mart for goods abroad; without mines, wood or coals, in a word, with nothing but meer ſkill and induſtry; as likewiſe *Archangel*, before the ſeat of trade was removed to *Peterſburg*, and *Peterſburg*, &c. now; yet will not any body

body in their ſenſes, pretend that the *Scotch* are a leſs ſagacious, or a more ſloathful people than either the *Sweeds* or *Ruſſians*. And as they have many advantages to ſet out with, preferable to either of theſe, how muſt they be wanting to themſelves, and how much thoſe who govern, to their country, if the *North* of *Scotland* is ſuffered for the future to lye waſte and barren; half the money the late rebellion coſt the government, independant of other evils, would make *Scotland*, with good management, a rich and flouriſhing country; and the benefits ariſing therefrom will veſt chiefly in the landlord, though ſuppoſed but meerly Lord of the fee, independant of regalities, *&c.* and this will appear in the trueſt light, when the nature of our eſtates in *England*, are compared with thoſe in the *Highlands* of *Scotland*, relative to the reſulting emoluments to the reſpective landlords. The difference of improvement, no-body in their ſenſes will diſpute, nor is the reaſon leſs evident. Since the improvement of lands firſt depends on the labour and ſkill of the huſbandman, and next on trade, which gives encouragement to labour and ſkill, which in the caſe of vaſſalage can never happen, for the reaſons beforementioned, nor conſequently can the Lord of the fee improve his eſtate ſignificantly, and then

the queſtion will only be, whether it's better for the Lord himſelf independant of any other regards, to be a tyrant over beggars, and himſelf poor, or to have every body about him in happy circumſtances, and himſelf rich and opulent.

I am ſenſible how this muſt affect a benevolent mind; and a reaſoner, who can diveſt himſelf of a little falſe pride, muſt likewiſe ſee, that this kind of ſelf-acquir'd opulence, is infinitely preferable to the being Court penſioners, or of imagining that they are in any ſenſe a check upon the government, which perhaps is the home point, and which has indeed coſt us ſome money, but has at the ſame time brought deſtruction on the unhappy delinquents; and if people can be abſurd enough to imagine that any power, which has the leaſt regard to its own ſupport and ſafety, will ſuffer them to hold juri dictions which are abus'd to every kind of evil, or that they have in any ſenſe a right to hold them in direct oppoſition to the peace of the community, they muſt never have conſidered the firſt principles of government, nor conſidered that their own wills are to be the laſt things regarded by a ſtate. When individuals can be benefited or raiſed to power without prejudice to the public, its very well,

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the inſtant thoſe intereſts claſhe, the inveſtitures ſhould ſubſide. Government may miſtake but muſt never want power to regulate miſtakes, when found to be ſuch, elſe is all government a dream, and power a jeſt; And whoever ſets up rights as invariable, can have no other notion of either government or power. I mean not hereby a power of the government doing juſt what they pleaſe, but meerly a power to do what's evidently juſt and right; and if this be not a juſt power, I know nor ſenſe nor meaning in government.

After all, I can't help ſaying, but I ſincerely wiſh, that if it ſhould be the pleaſure of the legiſlature to reſume theſe juriſdictions, that if it only ſeems hard upon the Lords, I could wiſh them to be amply ſatisfied, and their country, by the ſame bill put in an obvious way of thriving, for the future benefit of their families, and am apprehenſive that 40000 *l.* extraordinary, rightly apply'd, and put into a ſkilful and honeſt hands, would in a few years give a new turn to the face of that country; but as there certainly requires great wiſdom in the conduct of ſuch an affair, if it be approved of, favour or affection, or perſonal regards to the deprived Lords, ſhould be the laſt things thought of; becauſe if the end, either through ignorance or venality, ſhould not

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anſwer the intent, it will ſhew as if the change had been made to no purpoſe, for ſo long as the people continue poor, they will be in effect the ſlaves of their Lords though the juriſdictions are removed. It is therefore neceſſary to mend their ſituation, at the ſame time they are made free by ſowing the ſeeds of ſkill and induſtry among them, and enabling them to husband, and fiſh with ſpirit, which a capital ſtock to begin upon, and skillful people to inſtruct them, can only effect. The *Scotch* have certainly as much right to this as the colony of *Georgia*, and that it will probably anſwer a much better end, I conceive will appear very clear. And perhaps much more than the building of two towers to *Weſtminſter Abbey*, which can anſwer no end in nature, but a whim, that the church makes a better figure ſo dreſt, a point, if it be any, that the public have nothing to do with.

I do not mean to reflect on what has been done, but only would ſhew that there is ſome difference between making a great number of our fellow-ſubjects happy, and the making of a church fine, which was full as well before. And this conſideration grows upon us when improv'd by another, which is that we are not merely propoſing to make a certain number of people happy, but at the ſame time to remove

the like number from being our enemies, and converting them into good ſubjects and valuable neighbours, which is a double gain, and what the building of a thouſand church towers could never procure for us, nor perhaps if we peopled all *America*. I could name abundance more particulars, wherein the public money has been employ'd to worſe purpoſes, not unlaudably neither, yet in no ſenſe equivalent to what is here propoſed, nor will it perhaps be amiſs here to add, That it is ſeldom known, that people in a thriving way ever rebelled, unleſs notoriouſly oppreſſed, or expected ſo to be by arbitrary power, gradually uſurping upon their rights, and threatning imminent deſtruction to their juſt liberties and properties. When a rich man's houſe is attack'd, the aggreſſors may call it rebellion to defend it, but I would diſtinguiſh, between oppoſing unjuſt power, and attempting to overthrow a government conducted with juſtice and lenity. Thus the rich always oppoſe tyranny, and the neceſſitous aim to eſtabliſh it; the one for the ſake of enjoying what they have; the other for the ſake of mending their circumſtances, by the robbing of other people. Hence it is plain, that wealth is the baſis of peace, and the ſure preſervation of juſt liberty; on the contrary, poverty the mine that ſprings under the foundation

dation of liberty, and overthrows the beauteous ſuperſtructure; from whence it ſeems evidently to follow, that the grand concern of men in power ſhould be to encourage a laudable induſtry in every corner of the *Britiſh* dominions for their own ſakes, which is perhaps more involved in the welfare of the community, than they may happen to think worthy regard. The meer raiſing of great eſtates of a ſudden at the hazard both of their lives and reputations, is the effect of a very narrow mind, and a conſideration in no ſenſe adequate to the welfare of a whole people. I am but too ſenſible of what has been done of late, and what ſtrange principles imbib'd, but they are great ſtrangers to the motives of the late rebellion, who don't know, that the rebels laid their greateſt ſtreſs of ſucceſs on our corruption and effeminacy; nor were they wholly miſtaken in their judgments, they were only deceived in a balancing incident, by conceiving that all who wrote or talk'd againſt this general corruption, would join with them in rooting of it out, not conſidering that their aid was from a wrong quarter, and introductory of worſe evils, *viz.* oppreſſion and tyranny. Here lay the ſtateſman's barrier, the people prefer'd the leſſer evil to the greater, and by prefering

ferring fools to knaves, united to ſave the nation. Thus ſelf-preſervation became the guard of folly, and by a very intereſting conſideration ſav'd thoſe they deſpis'd. Wherefore it ſeems abſolutely neceſſary, that thoſe who were weak enough, to hazard with their own the ruin of the nation, ſhould recollect themſelves ſo far, as either by encouraging of induſtry in the *North*, to damm out all future evils of the like nature, or behave themſelves ſo in the *South*, that their may be no pretence for committing them. A very moderate degree of policy would inſtruct them in the neceſſity of this alternative, and men with truly right heads, will ſoon ſee the neceſſity of both. A bad miniſter is but in a little better ſituation than a *Turkiſh Baſha*; the laſt the ſovereign may deprive at his pleaſure; the firſt has a whole people to contend with. Ill gotten gains is equally inſecure to either; and though one man, who haſt the advantage of many valuable perſonal qualifications, went fairly off, they may be much miſtaken who preſume on the ſame ſucceſs. Our fellow ſubjects in *Scotland* are to be as much eſteemed as ony other, while they only unite in the rooting out of corruption; when they proceed farther, they are to be carefully guarded againſt; and if the making of them eaſy and happy wont effect

that end, preferable to force, I confeſs I have in a great meaſure loſt the end of theſe my labonrs. In a word, every man is to judge for himſelf; I lay not theſe maxims down as peremptory, and if I only find that they are in any ſenſe the means of giving birth to better digeſted deſigns, I ſhall look upon my time as agreeably ſpent. And if I have the happineſs to ſee the *Highlands* of *Scotland* flouriſh, by the laudable means here propoſed, or by any better conſidered, I ſhall eſteem it much ſuperior to a new conqueſt.

I ſhall beg leave to conclude my remarks on this ſubject, by one which I hope the intereſted parties will excuſe me making, ſince without it, all the impediments to the end propoſed may not be duly obviated; It is this, whether all the perſons claiming regalities or other heretable juriſdictions, or at leaſt ſome of them, may not find it difficult to make out their titles, and conſequently be deprived of the benefit of any ſatisfaction, on their being reſum'd? To this I can only anſwer, as to my opinion, that a title is cuſtomarily good, as to their right in lands, being poſſeſs'd of them time immemorial, or for a certain long term of years unclaim'd, but that no time or term will ſupport an uſurpation of juriſdiction againſt the king. The

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firſt I conceive the legiſlature will not interfere in ; and as to the laſt, the king could reſume without the aid of the legiſlature, conſequently there can be no injury done the ſubject, unleſs the deſtroying of uſurpations can be ſo preſum'd. Men can expect no ſatisfaction, for what they have no right to, and therefore, where particular perſons oppoſe this good deſign, ſhould it prove abortive, I hope, and don't doubt but the Exchequer will enquire, by what authority they hold their reſpective juriſdictions, and conſequently how far their acts and judgments have been heretofore legal. And as perhaps this remark may open a new ſubject to reaſon upon, I ſhall here for the preſent leave it.

FINIS.